



U.S. Department  
of Transportation

Pipeline and  
Hazardous Material  
Safety Administration

400 Seventh Street, S.W.  
Washington, D.C. 20590

**JUL 6 2005**

DOT-E 8995  
(FIFTEENTH REVISION)

EXPIRATION DATE: May 31, 2007

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: BASF CORPORATION  
Florham Park, NJ

(See Appendix A to this document for a list of additional grantees)

2. PURPOSE AND LIMITATION:

a. This exemption authorizes the transportation in commerce of certain Division 2.2 materials in a non-DOT specification portable tank. This exemption provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein.

b. The safety analyses performed in development of this exemption only considered the hazards and risks associated with transportation in commerce.

3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.

4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 173.315(a) in that a non-DOT specification packaging is not authorized except as specified herein; and § 174.63(c)(1) in that Division 2.2 materials are not authorized except as specified herein.

5. BASIS: This exemption is based on the application of BASF Corporation dated June 7, 2005, submitted in accordance with § 107.109.

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6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper Shipping Name	Hazard Class/ Division	Identification Number	Packing Group
Compressed gas, n.o.s.	2.2	UN1956	N/A
Flammable liquid, n.o.s. (Cyclopentane)	3	UN1993	II
1,1,1,2-Tetrafluoroethane or Refrigerant gas R 134a	2.2	UN3159	N/A

7. SAFETY CONTROL MEASURES:

## a. Prescribed packaging is as follows:

(1) Non-DOT specification steel portable tanks with a nominal water capacity of not over 2,050 gallons, and a minimum design pressure of 250 psig. Each tank must be fabricated in accordance with the ASME Code and must conform to Olin Plastics drawing #630-010, dated September 9, 1969; American Bridge drawing #23-5814, Revision A, dated June 18, 1968; American Welding and Tank drawing #U-2050 dated January 3, 2000; or the Chemi-Trol Chemical Company drawings submitted with Flexible Products, Inc.'s application January 10, 1989. In addition, each tank must meet the following:

i. Each tank must be equipped with at least one pressure relief valve so arranged to discharge upward and unobstructed to the outside of the protective housing.

ii. Pressure relief valves on any tank must be set to start-to-discharge at a pressure not in excess of 110% of the design pressure of the tank and must have a total relieving capacity sufficient to prevent a maximum pressure in the tank of more than 120% of the design pressure.

iii. The tank may be mounted on wheels. If so mounted, it must be the responsibility of the shipper to adequately secure the vehicle to insure compliance with § 177.834(a) under conditions

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normally incident to transportation. As an alternative, the carrier may provide vehicles specially designed to handle such wheeled tanks.

iv. Each wheeled tank must be equipped with adequate tie-down devices. The aggregate static breaking strength of the tie-down assemblies used to secure a tank against movement in any direction must be at least 2 times the weight of the fully loaded tank.

v. Each tank that is permanently mounted on a motor vehicle must comply with § 178.337-10.

vi. The maximum authorized pressure in the tank at 70°F is 100 psig, and in no case may the pressure exceed 150 psig at 115°F.

b. TESTING - Each portable tank must be reinspected and retested once every 5 years in accordance with § 180.605 as prescribed for DOT Specification 51 portable tanks.

c. OPERATIONAL CONTROLS - Each tank must be filled to provide a minimum ullage of 5 percent.

8. SPECIAL PROVISIONS.

a. A person who is not a holder of this exemption who receives a package covered by this exemption may reoffer it for transportation provided no modification or change is made to the package or its contents and it is reoffered for transportation in conformance with this exemption and the HMR.

b. Each portable tank must be plainly marked on both sides near the middle, in letters at least two inches high on contrasting background, "DOT-E 8995."

c. A current copy of this exemption must be maintained at each facility where the package is offered or reoffered for transportation.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle, rail freight, and cargo vessel.

10. MODAL REQUIREMENTS:

a. A current copy of this exemption must be carried aboard each cargo vessel or motor vehicle used to transport packages covered by this exemption.

b. A portable tank may not be transported by rail on flatcars or on flat trailers on flatcars, except under conditions approved by the Associate Administrator for Safety, FRA.

If a portable tank is shipped inside a rail car, the tank must be secured so that it cannot permanently change position during transit.

11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this exemption and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. 5101 et seq:

- o All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
- o Persons operating under the terms of this exemption must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.
- o Registration required by § 107.601 et seq., when applicable.

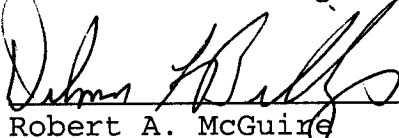
Each "Hazmat employee", as defined in § 171.8, who performs a function subject to this exemption must receive training on the requirements and conditions of this exemption in addition to the training required by §§ 172.700 through 172.704.

No person may use or apply this exemption, including display of its number, when the exemption has expired or is otherwise no longer in effect.

12. REPORTING REQUIREMENTS: Shipments or operations conducted under this exemption are subject to the Hazardous Materials Incident Reporting requirements specified in 49 CFR §§ 171.15 - Immediate notice of certain hazardous materials incidents, and 171.16 - Detailed hazardous materials incident reports. In addition, the grantee(s) of this exemption must notify the Associate Administrator for

Hazardous Materials Safety -- OHMEA, in writing, of any incident involving a package, shipment or operation conducted under terms of this exemption.

Issued at Washington, D.C.:

*for* 

Robert A. McGuire  
Associate Administrator for  
Hazardous Materials Safety

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(DATE)

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, Washington, D.C. 20590. Attention: PHH-31.

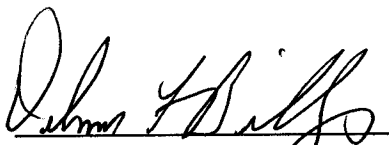
Copies of this exemption may be obtained by accessing the Hazardous Materials Safety Homepage at <http://hazmat.dot.gov/exemptions> Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

PO: PTolson/alb

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The following are hereby granted party status to this exemption based on their application(s) submitted in accordance with § 107.107 or § 107.109, as appropriate:

<b>Company Name City/State</b>	<b>Application Date</b>	<b>Issue Date</b>	<b>Expiration Date</b>
Flexible Products Company Marietta, GA	May 27, 2005	Jun 20, 2005	May 31, 2007
General Latex and Chemical Corporation (of Ohio) Marietta, GA	Jul 28, 2003	Aug 05, 2003	Jul 31, 2005



for Robert A. McGuire  
Associate Administrator for  
Hazardous Materials Safety